
ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-WSEB-21-6

2003

Drilling Wells within the Service Area of a Public Water System

The purpose of this document is to delineate the New Hampshire Department of Environmental Services' jurisdiction and intended course of action concerning the drilling of private wells, on small lots, within the service area of an existing public water system.

Centralized public water systems were often chosen by developers to allow the maximum reduction in the size of lots. Such lot size reduction was permitted by state and local development rules only where central water supply was available. Such small lots have inherent limitations. In purchasing such a lot, you as the current homeowner are bound by these legal constraints and the actions taken by the previous owner(s).

The Department of Environmental Services (DES) has jurisdiction in at least three areas pertaining to well drilling in small lot subdivisions:

1. Well location criteria as defined in RSA 485-A:30-b, and New Hampshire Administrative Rules Ws 600
2. Criteria for "on site" septic systems specified in Administrative Rules Env-Ws 1000; and
3. Criteria for State subdivision approval in New Hampshire Administrative Rules Env-Ws 1000.

The most significant criteria include the following:

- a. With ideal site conditions, a minimum lot size of 30,000 sq. ft. is required where both a well and septic system will be placed on the same lot. A larger lot is required when various factors such as water table elevation, soil type, bedrock depth, etc. are factored in.
- b. State statute requires the filing of a standard release form for a required well radius that overlaps onto abutting property. (See RSA 485-A:30-b.)

To legally install a well on a lot created prior to RSA 485-A or its predecessor, RSA 149-E, the lot in question must have adequate size. Under the requirements of RSA 485-A and Env-Ws 1000, if the lot in question was approved for on-site disposal but not an on-site well, and is less than 30,000 square feet, an on-lot well will **not be approved**. For large lots it may be possible to install a well, if the lot can meet current subdivision regulations, but an amended subdivision approval request for that lot must be filed with DES.

Whatever the situation may be, an analysis of a lot's capability to accommodate a well in addition to a septic system needs to be performed by a New Hampshire licensed septic system

designer. Approval of a design, which shows the on-lot well, to amend the previous septic system approval is required.

DES recommends that citizens maintain their connection to the public water system where such systems exist. Public water systems are constantly sampled, periodically field inspected, operated by a state-certified operator, and otherwise carefully overseen so as to ensure that the water offered meets state and federal standards. In addition, the yearly expense of a private well can be substantial especially if treatment is required.

Where wells are installed and the lot is of **inadequate** size based on current subdivision regulations, the previous state approval(s) for the septic system shall be **revoked** and will subject the responsible party(s) to further administrative penalties in accordance with RSA 485-A and Env-C 602.

Such well drilling and subsequent revocation of septic system approval(s) could potentially jeopardize the sale of the property, and/or the previous owner could be subject to liabilities occurring from a contaminated well.

All lot owners contemplating drilling a well on any lot should retain the services of a licensed septic system designer to determine if the lot size can **legally** support both utilities and meet requirements established by RSA 485-A.

FOR ADDITIONAL INFORMATION

For additional information please call the DES's Water Supply Engineering Bureau at 271-3139.